

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 12638 of 2004

Between:

B. Rami Bai, W/o. Rama Swamy Naik, aged about 46 years,
Occu: Housewife, R/o.D.No.15-146, Panchali Nagar,
Renigunta, Chittoor District.

..... PETITIONER

AND

1. The Divisional Railway Manager, South Central Railway,
Guntakal Division, Guntakal.
2. S. Laccha Naik, S/o. Late Ramu Naik, aged about 49 years,
Occu: ESM, South Central Railway, Guntakal Division,
Guntakal, R/o,D.No. 6/1061-E-5,
Bhagyanagar, Kothkottalu, Guntakal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the 1st respondent in awarding minor punishment i.e., reduction of pay to next lower time scale without cumulative effect for a period of one year and without loss of seniority vide Memorandum dt. 04.05.2004 to the 2nd respondent, who is involved in the Crime No.33 of 2002 for the offences under Section 498(A) and 304 part B. of I.P.C. even though the charges

levelled against the 2nd respondent were proved during the Enquiry, as arbitrary, illegal and contrary to settled principles of service jurisprudence and consequently to direct the 1st respondent to dismiss the 2nd respondent from the service.

Counsel for the Petitioner: MR.K.G.K.PRASAD

Counsel for the Respondent No.1 : MR.VIJAYA BHASKAR MOOLA.

Counsel for the Respondent No.2:MR.V.SRINIVAS

The Court at the stage of admission made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

Writ Petition No. 12638 of 2004

ORDER:

The petitioner claims that she is the mother-in-law of the son of the second respondent. She is questioning the order of the first respondent, imposing a minor penalty on the second respondent, after an enquiry regarding certain allegations made against him. The petitioner is seeking to declare that the order of the first respondent dated 04.05.2004 as illegal, arbitrary and contrary to the settled principles of service jurisprudence.

2. The second respondent, who received the punishment, is not expressing any grievance. The petitioner approached this Court on the ground that the first respondent failed to conduct an enquiry regarding the allegations made against the second respondent in Crime No.33 of 2002 for the offence under Sections 498-A and 304-B I.P.C. In the order dated 04.05.2004 the first respondent mentioned that the punishment was imposed on the second respondent for suppression of the material information that he was arrested in the above crime.

3. As seen from the impugned order, the punishment imposed on the second respondent is a major penalty. It is further mentioned in the counter affidavit of the first respondent that further action in the matter would be taken after the disposal of the criminal case pending against the second respondent. It is for the first respondent to further probe into the matter, therefore, the petitioner, who has no *locus standi* to maintain the writ petition, cannot seek any direction regarding the order passed by the first respondent against the second respondent.

4. The Writ Petition is accordingly dismissed as not maintainable. No order as to costs.

Dr.G.YETHIRAJULU, J

Date: 30th September, 2004.

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Divisional Railway Manager, South Central Railway,
Guntakal Division, Guntakal.

2.Two C.D. copies.